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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,918	10/27/2000	Patrick M. Lavelle	8002A-29	8367

7590 07/30/2003
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EXAMINER

ANYASO, UCHENDU O

ART UNIT PAPER NUMBER

2675

DATE MAILED: 07/30/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/698,918

Applicant(s)

LAVELLE ET AL.

Examiner

Uchendu O Anyaso

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. **Claims 1-10 and 12-27** are pending in this action.

Claim Rejections - 35 USC ' 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-⁹~~8~~, 15, 16 and 25-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Adams et al* (U.S. Patent 6,380,978) in view of *Murphy* (U.S. Patent 5,610,822).

Regarding **independent claims 1, 25 and 26**, and for **claims 2-6, 15, 16 and 27** Adams teaches an invention relating to processing of video images using a portable video display device wherein applications include use in an automobile (*see* column 5, lines 36-46, 56-60, figure 2A).

Furthermore, Adams teaches a display device wherein viewing by a passenger at the rear seat of an automobile would be accomplished (*see* figure 2A).

Also, Adams teaches how the portable DVD player also includes a digital processing system including a decoder, an image enhancement engine, and a display controller wherein the decoder (28) receives signals from a DVD inserted into the enclosure to provide a decoded, interlaced video signal (column 3, lines 4-12, figure 3).

Furthermore, Adams teaches an audio and infrared link (32) and how an IR transmitter for wireless headphones may be provided, as may stereo speakers with small stereo power amp

Art Unit: 2675

for presentations or playback without headphones (column 7, lines 24-27, figure 3; *see also* column 7, lines 4-24).

Furthermore, Adams teaches two input sources by teaching video data input and audio data input (*see* figure 4 at video data and audio data). However, Adams does not teach the concept of at least two input sources wherein one input source provides signals to one headphone and a second input source providing signals to a second headphone. On the other hand, Murphy teaches this concept by providing different input sources to different users via multiple headphones such that multiple audio output units such as headphones (40a-40n) accommodate a plurality of users simultaneously (column 3, lines 26-34, figure 2 at 36, 40a-40n).

Thus, it would have been obvious to a person of ordinary skill in the art to combine Adams and Murphy because while the combination of Adams and Murphy teaches providing wireless signals to headphones by the method of providing an audio and infrared link (32) and an IR transmitter for wireless headphones (column 7, lines 24-27, figure 3; *see also* column 7, lines 4-24), Murphy teaches the concept of providing different input sources to different users via multiple headphones wherein Murphy's invention provides for having multiple audio output units such as, for example, headphones (40a-40n) to accommodate a plurality of users simultaneously (column 3, lines 26-34, figure 2 at 36, 40a-40n). The motivation for combining these inventions would have been to provide multiple audio and video outputs via headphones (40a-40n) to a plurality of users simultaneously (column 3, lines 26-34, figure 2 at 36, 40a-40n).

Regarding **claims 7 and 8**, in further discussion of claim 1, Adams teaches a liquid crystal display (36) (figure 3 at 36).

Regarding **claims 9**, in further discussion of claim 1, Adams and Murphy do not teach a display device employing a touch screen technology.

However, it would have been obvious to a person of ordinary skill in the art to replace the video display or liquid crystal display with a touch screen display. The motivation for doing so would have been to provide a user with display device that also offers a means to input data.

4. **Claims 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Adams et al* (U.S. Patent 6,380,978) in view of *Murphy* (U.S. Patent 5,610,822), as in claim 1 above, and further in view of *Burke et al* (U.S. Patent 6,134,223).

Regarding **claim 10**, in further discussion of claim 1, Adams and Murphy do not teach the display device including a picture-in-picture and split screen capability. On the other hand, Burke teaches how a picture-in-picture or split screen function may be provided in a video conferencing system (column 11, lines 49-67; *see also* column 23, lines 35-45, figure 16).

Thus, it would have been obvious to a person of ordinary skill in the art to combine Adams, Murphy and Burke because while the combination of Adams and Murphy teach an invention relating to processing of video images using a portable video display device wherein applications include use in an automobile (*see* column 5, lines 36-46, 56-60, figure 2A), Burke teaches how a picture-in-picture or split screen function may be provided in a video conferencing system (column 11, lines 49-67; *see also* column 23, lines 35-45, figure 16). The motivation for

Art Unit: 2675

combining these invention would have been to create a combined multiple image on the display screen at the same time (*see* column 23, lines 35-45).

5. **Claims 12-14, 17 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Adams et al* (U.S. Patent 6,380,978) in view of *Murphy* (U.S. Patent 5,610,822), as in claim 1 above, and further in view of *Boyden et al* (U.S. Patent 6,301,637).

Regarding **claims 12-14 and 17** in further discussion of claim 1, Adams and Murphy do not teach the display the headphones with left and right audio channels. On the other hand, Boyden teaches left and right audio channels in headset 200 (figure 18 at 210, 212).

Thus, it would be obvious to a person of ordinary skill in the art to combine Adams, Murphy and Boyden because while the combination of Adams and Murphy teach an invention relating to processing of video images using a portable video display device wherein applications include use in an automobile (*see* column 5, lines 36-46, 56-60, figure 2A), Boyden teaches left and right audio channels in headset 200 (figure 18 at 210, 212). The motivation for combining these inventions would have been to provide a means of communicating audio signals wirelessly to both ears of a listener.

Regarding **claim 18**, in further discussion of claim 1, Adams and Murphy do not teach a wireless headphone with antenna. On the other hand, Boyden teaches a wireless headphone with an antenna (figure 26 at 308).

Thus, it would be obvious to a person of ordinary skill in the art to combine Adams, Murphy and Boyden because while Adams and Murphy teach an invention relating to processing

Art Unit: 2675

of video images using a portable video display device wherein applications include use in an automobile (*see* column 5, lines 36-46, 56-60, figure 2A), Boyden teaches a wireless headphone with an antenna (figure 26 at 308). The motivation for combining these inventions would have been to achieve a clearer signal.

6. **Claims 20-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Adams et al* (U.S. Patent 6,380,978) in view of *Murphy* (U.S. Patent 5,610,822), as in claim 1 above, and further in view of *Hylton et al* (U.S. Patent 5,793,413).

Regarding claims **20-24**, in further discussion of claim 1, Adams and Murphy do not teach CDMA technology. On the other hand, Hylton teaches a wireless video distribution scheme that employs CDMA technology (*see* Abstract).

Thus, it would have been obvious to a person of ordinary skill in the art to combine Adams, Murphy and Hylton because while Adams and Murphy teach an invention relating to processing of video images using a portable video display device wherein applications include use in an automobile (*see* column 5, lines 36-46, 56-60, figure 2A), Hylton teaches a wireless video distribution scheme that employs CDMA technology (*see* Abstract). The motivation for combining these inventions would have been to utilize an efficient wireless distribution scheme (*see* Abstract).

Response to Arguments

7. Applicant's Request for Continued Examination filed on July 23, 2003, and amendments and arguments filed on May 14, 2003 have been fully considered but they are not persuasive.

Art Unit: 2675

Applicant amended his claims and argues that in light of the amendments, Adams does not contemplate the use of a DVD device by more than one person at the same time, and does not teach the ability to present separate audio or video programs at the same time.

Examiner disagrees because Adams teaches two input sources by teaching video data input and audio data input (*see* figure 4 at video data and audio data), and also, teaches how an audio infrared link (32) and an IR transmitter for wireless headphones may be provided, as may stereo speakers with small stereo power amp for presentations or playback without headphones (column 7, lines 24-27, figure 3; *see also* column 7, lines 4-24). Furthermore, Murphy teaches the concept of providing different input sources to different users via multiple headphones wherein Murphy's invention provides for having multiple audio output units such as, for example, headphones (40a-40n) to accommodate a plurality of users simultaneously (column 3, lines 26-34, figure 2 at 36, 40a-40n).

Thus, it would have been obvious to a person of ordinary skill in the art to combine Adams and Murphy because while the combination of Adams and Murphy teach how to provide wireless signals to headphones by the method of providing an audio and infrared link (32) and an IR transmitter for wireless headphones (column 7, lines 24-27, figure 3; *see also* column 7, lines 4-24), Murphy teaches the concept of providing different input sources to different users via multiple headphones wherein Murphy's invention provides for having multiple audio output units such as, for example, headphones (40a-40n) to accommodate a plurality of users simultaneously (column 3, lines 26-34, figure 2 at 36, 40a-40n). The motivation for combining these inventions would have been to provide multiple audio and video

Art Unit: 2675

outputs via headphones (40a-40n) to a plurality of users simultaneously (column 3, lines 26-34, figure 2 at 36, 40a-40n).

As such, applicant's arguments are not persuasive

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uchendu O. Anyaso whose telephone number is (703) 306-5934. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras, can be reached at (703) 305-9720.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Uchendu O. Anyaso

07/26/2003



**DENNIS-DOON CHOW
PRIMARY EXAMINER**